

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BERNIS SANTOS-ESCALANTE,

Plaintiff,

-against-

CORTNEY MUSCHETTE, et al.,

Defendants.

22-CV-10162 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

On August 3, 2023, counsel for Plaintiff, Simon B. Landsberg, informed the Court of his intention to file a motion to withdraw as plaintiff's counsel due to his inability to contact the plaintiff, Ms. Santos-Escalante. *See* ECF No. 27. In subsequent correspondence with the Court, Mr. Landsberg has indicated that despite several attempts, he has been unable to contact Ms. Santos-Escalante either directly or through Ms. Santos-Escalante's mother, who was identified as an emergency contact for Ms. Santos-Escalante. Mr. Landsberg has told the Court that because he is unable to communicate with Ms. Santos-Escalante, it is impossible for him to move forward with this case as counsel. For this reason, Mr. Landsberg has indicated to the Court his intention to move to withdraw as counsel. The Court held a conference on August 8, 2023, to address these issues as well as the progress of discovery in this case. The Court hereby orders as follows:

1. Plaintiff's counsel is ORDERED to email Plaintiff's last-known mailing address to [SubramanianNYSDChambers@nysd.uscourts.gov](mailto:SubramanianNYSDChambers@nysd.uscourts.gov). Chambers will mail a copy of this Order to Plaintiff.
2. Plaintiff's counsel is ORDERED to hand-deliver this Order to Plaintiff and Plaintiff's emergency contact by **tomorrow, August 9, 2023, at 5:00 p.m.** A Spanish translation of this Order should be furnished as well as the original version of this Order, and Plaintiff's counsel should, if possible, have the Order delivered by a member of his office who is able to speak Spanish, such that this Order can be explained to Plaintiff or Plaintiff's emergency contact in Spanish.
3. Ms. Santos-Escalante is ORDERED to inform Mr. Landsberg whether she wants to continue this lawsuit with Mr. Landsberg as counsel by **Monday, August 14, 2023, at 5:00 p.m.** If Ms. Santos-Escalante does not want to continue with Mr. Landsberg as her counsel, she shall inform Mr. Landsberg whether she wants to proceed *pro se* (without a lawyer) or with substitute counsel, **or** whether Ms. Santos-Escalante wishes to abandon

and to dismiss this lawsuit altogether. Ms. Santos-Escalante is advised that a failure to respond to the Court's order may result in the action being dismissed with prejudice.

4. Plaintiff's counsel is ORDERED to submit a letter by **Tuesday, August 15, 2023, at 5:00 p.m.** advising the Court of Ms. Santos-Escalante's response to the Court's order, or if Ms. Santos-Escalante cannot be reached, the specific efforts taken by Plaintiff's counsel to contact her, including the dates and methods used to contact Ms. Santos-Escalante and her emergency contact.
5. The fact discovery period in this case is hereby extended through the current end of the expert discovery period, **September 12, 2023**. All other deadlines remain in place. Absent further order of the Court, both Plaintiff and Defendants must diligently move forward with discovery in this case, as further extensions to the discovery schedule will not be granted absent good cause. The parties should closely review the Case Management Plan and Scheduling Order, Dkt. 19, as well as this Court's Individual Practices, and make sure that any further applications are made promptly and in adherence to the Scheduling Order and this Court's practices.

SO ORDERED.

Dated: August 8, 2023  
New York, New York



ARUN SUBRAMANIAN  
United States District Judge